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8	UNITED STATES DISTRICT COURT	
9	SOUTHERN DISTRICT OF CALIFORNIA	
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11	JOSEPH ALLEN MCCOLLOUGH, III,	Case No.: 16-CV-1166 JLS (WVG)
12	Plaintiff,	ORDER (1) ADOPTING R&R (2)
13	v.	DENYING PLAINTIFF'S MOTION
14	CAROLYN W. COLVIN, Acting	FOR SUMMARY JUDGMENT; AND (3) GRANTING DEFENDANT'S
15	Commissioner of Social Security,	MOTION FOR SUMMARY
16	Defendant.	JUDGMENT
17		(ECF Nos. 15, 17, 19)
18	Presently before the Court is Magistrate Judge William V. Gallo's Report and	
19	Recommendation ("R&R") recommending that the Court (1) deny Plaintiff's Motion for	
20	Summary Judgment, and (2) grant Defendant's Cross Motion for Summary Judgment.	
21	(ECF No. 19.) No party filed an objection or a reply to Judge Gallo's R&R. For the	
22	following reasons, the Court (1) ADOPTS Judge Gallo's R&R in its entirety, (2) DENIES	
23	Plaintiff's Motion for Summary Judgment, (ECF No. 15), and (3) GRANTS Defendant's	
24	Cross Motion for Summary Judgment, (ECF No. 17).	
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BACKGROUND

Judge Gallo's R&R contains a thorough and accurate recitation of the factual and procedural histories underlying the instant Motions for Summary Judgment. (*See* R&R 6–20.¹) This Order incorporates by reference the background as set forth therein.

LEGAL STANDARD

Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district court's duties regarding a magistrate judge's report and recommendation. The district court "shall make a de novo determination of those portions of the report . . . to which objection is made," and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(c); see also United States v. Raddatz, 447 U.S. 667, 673–76 (1980). In the absence of a timely objection, however, "the Court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's note (citing Campbell v. U.S. Dist. Court, 510 F.2d 196, 206 (9th Cir. 1974)).

ANALYSIS

As discussed, neither Plaintiff nor Defendant filed an objection or a reply to Judge Gallo's R&R. And after review of the moving papers and Judge Gallo's R&R, the Court finds "that there is no clear error on the face of the record" and thus the Court may "accept the recommendation." Fed. R. Civ. P. 72 advisory committee's note (citing *Campbell*, 510 F.2d at 206). Additionally, the Court agrees with Judge Gallo's conclusions that the Administrative Law Judge's ("ALJ") determination was not erroneous because (1) the decision was based on substantial evidence, (R&R 20–30), and (2) the ALJ did not err in rejecting Plaintiff's subjective testimony, (*id.* at 30–40). Accordingly, the Court **ADOPTS** Judge Gallo's R&R and thus **DENIES** Plaintiff's Motion for Summary Judgment, and **GRANTS** Defendant's Cross Motion for Summary Judgment.

¹ Pin citations to docketed material refer to the CM/ECF numbers electronically stamped at the top of each page.

CONCLUSION

For the foregoing reasons, the Court (1) **ADOPTS** Judge Gallo's R&R in its entirety, (2) **DENIES** Plaintiff's Motion for Summary Judgment, (ECF No. 15), and (3) **GRANTS** Defendant's Cross Motion for Summary Judgment, (ECF No. 17). This Order ends the litigation in this matter. Accordingly, the Clerk of Court **SHALL** close the file.

IT IS SO ORDERED.

Dated: August 2, 2017

Hon. Janis L. Sammartino United States District Judge